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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

**STIPULATION
&
ORDER**

RESPONDENT:

DAVID L. WEST
1213 East 1130 North
Orem, UT 84097
License No. 88857

Docket No. 2006-006 LF

Enf. Case No. 1726

STIPULATION

1. Respondent, David L. West, is a licensed insurance agent in the State of Utah, holding License No. 88857.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

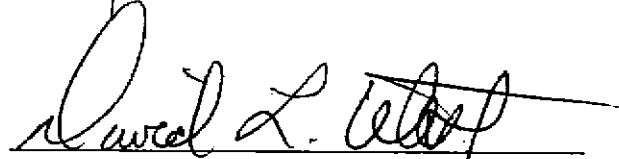
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

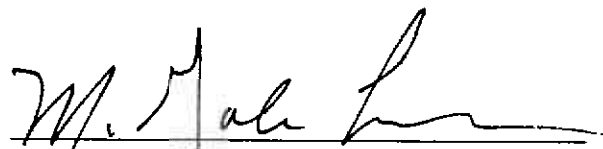
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 30th day of January, 2006.


DAVID L. WEST


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. During the period of at least June 2003 through August 2004, Respondent took 15 applications for annuities from residents of the State of Utah and submitted them to AmerUs Life Insurance Company.
2. Said applications were for annuity contracts that had not been filed for use in the State of Utah, and Respondent was aware that said contracts were not filed for use in the State of Utah.
3. Respondent took said applications from Utah Residents in the State of Utah and either falsely stated in the applications that they were signed in California or left the "Signed at" portion of the application blank knowing that another person would fill it in, falsely stating that it was signed in California.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In marketing annuity contracts that had not been filed for use in the State of Utah, Respondent violated Utah Code Annotated § 31A-21-201.
2. In entering false information in an application for an insurance contract, or in knowingly allowing another to enter such false information, Respondent violated Utah Code Annotated § 31A-23a-402(1)(a)(i).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the

Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$1,500.00, to be paid within 30 days of the date of this Order.


NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject him to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of his license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

DATED this 1st day of February, 2006.

D. KENT MICHIE
INSURANCE COMMISSIONER


MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING

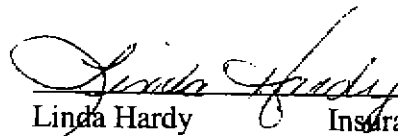
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**STIPULATION
&
ORDER**

To the following:

**DAVID L. WEST
1213 East 1130 North
Orem, UT 84097**

DATED this 1st day of February, 2006



Linda Hardy Insurance Technician
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
(801) 538-3813

**UTAH
Invoice**

Page 1

Printed Date: February 01, 2006

Invoice Date: February 01, 2006
Balance Due: \$1,500.00
Due Date: March 08, 2006
Invoice ID: 277342

WEST DAVID L
1213 E 1130 N
OREM UT 84097

Item Description

Monetary Penalty Individual

	Amount
	\$1,500.00
Original Amount Due	\$1,500.00

**UTAH
Invoice**

Printed Date: February 01, 2006

Invoice Date: February 01, 2006
Balance Due: \$1,500.00
Due Date: March 08, 2006
Invoice ID: 277342

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Detach and Return with Payment